

## 46 Am. Jur. 2d Judges § 28

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### Judges

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### V. Powers and Duties

#### A. In General

## § 28. Powers and duties of judge after expiration of term

[Topic Summary](#) | [Correlation Table](#) | [References](#)

### West's Key Number Digest

West's Key Number Digest, [Judges](#)  31

A judge whose term of office has ceased may perform clerical duties, such as the making of a finding for the purpose of perfecting an appeal<sup>1</sup> or the signing, nunc pro tunc, of an order for the entry of a judgment pursuant to a docket entry made before the expiration of the term.<sup>2</sup> Where a judge signs an otherwise valid written order or judgment prior to leaving office, the trial court, through the proper county clerk of court, retains jurisdiction to file that judgment, even after the trial judge retires, and thereby completes the steps required for entry.<sup>3</sup> However, where the authority of a trial judge is terminated and there is pending before the trial judge matters upon which the judge has not ruled, the judge's authority to rule terminates at the time of the expiration of the party's authority as judge.<sup>4</sup> Generally, when a judge vacates office before submitting a decision in an assigned case, no other person is authorized to submit the decision on the judge's behalf.<sup>5</sup>

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### Footnotes

- 1 [Todd v. Bradley](#), 97 Conn. 563, 117 A. 808, 25 A.L.R. 22 (1922).
- 2 [Lansing v. Lansing](#), 736 S.W.2d 554 (Mo. Ct. App. E.D. 1987).
- 3 [Robertson v. Steris Corp.](#), 237 N.C. App. 263, 765 S.E.2d 825 (2014).
- 4 [State ex rel. General Motors Corp. v. Indus. Comm.](#), 159 Ohio App. 3d 644, 2005-Ohio-356, 825 N.E.2d 167 (10th Dist. Franklin County 2005).  
As to successor judges, generally, see §§ 29 to 35.
- 5 [Wildwood Medical Center, L.L.C. v. Montgomery County](#), 405 Md. 489, 954 A.2d 457 (2008).

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